

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHN RYAN OSWALD,

Petitioner,

v.

TRANSUNION,

Respondent.

ORDER

08-cv-739-bbc

JOHN RYAN OSWALD,

Petitioner,

v.

EXPERIAN,

Respondent.

ORDER

08-cv-743-bbc

In these two civil actions, petitioner John Ryan Oswald contends that respondents Experian and Transunion have violated his rights under the Fair Credit Reporting Act by reporting “fraudulent information” on his credit report and failing to respond to his requests to correct the misinformation. Petitioner seeks leave to proceed in forma pauperis under 28

U.S.C. § 1915. From a review of petitioner's affidavit of indigency, I conclude that petitioner is unable to prepay the filing fee.

Under § 1915(e)(2), if a litigant is requesting leave to proceed in forma pauperis, the court must deny leave to proceed if the action is frivolous or malicious, fails to state a claim upon which relief may be granted or seeks money damages from a defendant who is immune from such relief. Having reviewed petitioners' complaints, I concluded that they do not provide the notice required by Rule 8 of the Federal Rules of Civil Procedure.

Petitioner says that respondents have violated his rights by including "fraudulent" information on his credit reports, but he fails to identify what information is fraudulent and in what way it is false. Without this information, respondents cannot know how to respond to petitioner's complaint. Before I can determine whether petitioner states a claim upon which relief may be granted, he must file amended complaints in case nos. 08-cv-739-bbc and 08-cv-743-bbc that include allegations about (1) the specific information petitioner believes is false on his credit reports; (2) why petitioner believes the information is false; and (3) the actions of respondents that petitioner believes have violated his rights under the Fair Credit Reporting Act.

Petitioner's allegations raise another issue as well. He says that he has filed small claims actions in state court against both respondents. In order to allow the court to determine the effect that the state court cases may have on his federal cases, petitioner

should answer the following questions in his amended complaints:

- What is petitioner alleging in each of his small claims actions?
- What is his legal theory in those cases?
- What relief is he seeking in those cases?
- Are the small claims court cases still being litigated?
- If they are still being litigated, what is happening in the cases? Has the judge made any decisions in them? If so, what are they?
- If the cases are finished, what were the results? Be as specific as possible. For example, if the cases were dismissed, explain the reason the judge gave for dismissing the cases.

If petitioner has a copy of his small claims complaints or any other documents from his small claims actions, he should submit those as well.

ORDER

IT IS ORDERED that petitioner John Ryan Oswald may have until January 16, 2009 to file amended complaints in case nos. 08-cv-739-bbc and 08-cv-743-bbc in which he answers the questions raised in this order. If petitioner does not respond by January 16, I

will dismiss the cases without prejudice to petitioner's filing them at a later date.

Entered this 2nd day of January, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge